

PROCEDURES
of the
City of La Mesa
Community Police Oversight Board
for Complaint Intake, Audit Handling, and Reporting

ARTICLE I – DEFINITIONS

Allegation of Misconduct. An accusation against a La Mesa Police Department (“LMPD”) sworn officer of a violation of the law or failure to comply with the LMPD’s policies and procedures.

CPOB. Community Police Oversight Board.

Complaint. A Complaint is a statement filed by an aggrieved person that alleges misconduct by a sworn officer of the La Mesa Police Department. Complaints may be initiated in writing, in person, by mail, by telephone, by email, or through the CPOB website, and may be submitted to the CPOB, IPA, or LMPD. LMPD or an employee of the LMPD may also file a Complaint alleging misconduct by an officer. These are known as internally generated complaints.

Complainant. A Complainant is any person who files a Complaint with the CPOB, IPA, or LMPD.

Department. The Department refers to La Mesa Police Department or “LMPD.”

IPA. Independent Police Auditor.

ARTICLE II – FILING COMPLAINTS

A community member may file a Complaint regarding alleged misconduct by a Department officer to the CPOB, IPA, or the LMPD.

Section 1. The Complaint Form

- (a) The CPOB shall make a complaint form available at City Hall and on its website.
- (b) The CPOB shall publish instructions for filing a Complaint on its website. The complaint form itself must also indicate how it may be filed.
- (c) The CPOB shall establish a secure, accessible public drop box at the City Clerk’s Office for receiving Complaints.

- (d) This procedure shall not be construed as interfering with the LMPD's own procedures for receiving Complaints, with whom a community member may file a Complaint directly.

**ARTICLE III –
INTAKE ACTIONS ON COMPLAINTS
RECEIVED DIRECTLY BY THE CPOB OR IPA**

Section 1. Receipt of Complaints

The CPOB may directly receive Complaints in one of several ways: by online submission or email, by submission to the CPOB public drop box, or via the IPA. When a Complainant sends a Complaint directly to the IPA, the IPA shall forward a copy of the Complaint to the CPOB complaint email address. Complaints made to the IPA can be made via email, phone, or in person.

Section 2. Registering of Complaints

- (a) The CPOB Chair shall designate, on a rotating annual basis, a CPOB member to ensure all Complaints directly received by the CPOB are delivered to the IPA and Chief of Police.
- (b) The IPA shall maintain a Complaint-tracking database that organizes Complaints by category type, by Complainant, and by tracking number. The IPA shall use the Complaint-tracking database to document the receipt, status, and disposition of all Complaints. The LMPD shall provide to the IPA its Internal Affairs Complaint number, for ease of tracking with a common number.
- (c) The CPOB shall have access at all times to the Complaint-tracking database. In order to comply with all state laws requiring the confidentiality of police department records and information as well as the privacy rights of all individuals involved in the process, the IPA shall omit any confidential information that would identify the officer(s) who are the subject of the Complaint.

**ARTICLE IV –
INTAKE ACTIONS ON COMPLAINTS
REFERRED TO THE IPA BY THE LMPD**

Section 1. Registering of Complaints

- (a) Copies of all Complaints filed directly with the LMPD will be forwarded to the IPA. LMPD-generated complaints concerning routine personnel matters addressed through the LMPD's progressive disciplinary process and unrelated to bias, use of force, or corruption, such as excessive tardiness and other minor personnel infractions, would not be subject to audits by the IPA unless the IPA identifies a clear pattern of minor personnel infractions.

- (b) Upon receipt of a Complaint from the LMPD, the IPA shall register the Complaint in the Complaint-tracking database. In order to comply with all state laws requiring the confidentiality of police department records and information as well as the privacy rights of all individuals involved in the process, the IPA shall omit any confidential information that would identify the officer(s) who are the subject of the Complaint.

ARTICLE V – TRACKING COMPLAINTS AND INVESTIGATIONS

Section 1. Overview

- (a) The IPA shall, upon request, receive notifications of progress of pending investigations and be given an opportunity to review activity in pending investigations. The IPA shall also be notified by the LMPD of any new allegations of misconduct which are developed in the course of the investigation of the original allegations.
- (b) When the LMPD completes an investigation of a Complaint, the Chief of Police will notify the IPA and the Complainant as to the disposition, subject to Penal Code Section 832.7(f). LMPD will provide access to the IPA of all investigative steps, interviews, evidence and recordings so as to facilitate IPA’s mandate to audit cases, as applicable.
- (c) Upon notification by the Chief of Police, the IPA shall update the Complaint-tracking database with the disposition of the Complaint:
 - 1. Unfounded: the alleged act did not occur.
 - 2. Exonerated: the alleged act occurred but was justified, legal, and proper.
 - 3. Not sustained: the investigation produced insufficient information to prove clearly or disprove the allegations.
 - 4. Sustained: the accused officer committed all or part of the alleged acts of misconduct.
- (d) Upon conclusion of the LMPD investigation, the IPA may request all relevant case files for review and a determination the investigation was thorough and complete.

Section 2. Reporting to the CPOB

- (a) At least quarterly, the CPOB shall receive reports from the IPA on the number of Complaints filed, the number of open investigations of Complaints, the disposition of and any action taken on filed Complaints, and the number of concluded investigations by LMPD. The report shall summarize all Complaints received by the IPA, the CPOB, and the LMPD.

- (b) As for any investigation that has been concluded and audited by the IPA since his or her last report, the report shall include the IPA's determination as to whether the investigation was thorough and complete, whether the IPA agrees or disagrees with the finding(s), and any recommendations as set forth in Article VIII section (1)(b)(2).
- (c) The report to the CPOB shall also include the number of cases being audited by the IPA.

ARTICLE VI – AUDITS

Section 1. Automatic Audits

- (a) The IPA shall audit the LMPD investigation of an incident of use of force involving accidental discharge of weapons, officer-involved shootings, officer-involved deaths, or officer-involved interactions resulting in serious bodily injury.
- (b) The IPA shall have discretion to interview witnesses and shall have access to all LMPD files. All parties who have access to confidential information shall comply with all confidentiality requirements of LMPD, La Mesa, Government Code section 3300 *et seq.* (the California Public Safety Officers Procedural Bill of Rights), and all other state and federal laws. As part of conducting an audit, the IPA will interview the Chief of Police or the Chief's designee about the investigation that took place.

Section 2. Discretionary Audits

- (a) The IPA shall have the discretion to review any investigation(s) of a Complaint conducted by the LMPD to determine if the investigation was complete, thorough, objective, and fair. The IPA, at their discretion, shall have authority to monitor or recommend follow-up investigation into any citizen Complaint or allegations that is handled by LMPD.
- (b) The IPA shall have discretion to interview witnesses and shall have access to all LMPD files. All parties who have access to confidential information shall comply with all confidentiality requirements of LMPD, La Mesa, and all state and federal laws.
- (c) When the IPA does not exercise their discretion to review an investigation of a Complaint conducted by the LMPD, the CPOB may, in such circumstance, require a report with additional information from the IPA on that matter, and after consultation with the IPA, if necessary, initiate an audit.

Section 3. Audits of past incidents

- (a) The CPOB may request that the IPA audit the investigation of a past incident of use of force, harassment or discrimination, and make a determination as to whether it was thorough and complete. This review shall not impact the disposition of the investigation but the IPA and the CPOB may make recommendations concerning the investigation.
- (b) All materials in the investigative file concerning the past incident shall be made available to the IPA. The IPA shall prepare a case summary for use during the public meeting of the CPOB that protects the confidentiality of the Complainant, witnesses, and the officer(s) involved.
- (c) The purpose of the CPOB's review of past incidents includes the following:
 - 1. Identify deficiencies in the complaint system (intake and classification);
 - 2. Develop recommendations for policies, procedures, practices, and training improvements;
 - 3. Make judgments about the quality of the investigation;
 - 4. Increase transparency by analyzing the rationale for the case disposition; and
 - 5. Increase transparency by the public discussion of a Complaint.

Section 4. Communication with Complainant

- (a) The LMPD shall inform the Complainant at the conclusion of the Internal Affairs investigation as to the disposition of the Complaint.
- (b) The CPOB shall use the IPA's quarterly reports to inform Complainants whether an audit has been initiated, when an audit has been completed, and the outcome of the audit. The CPOB shall develop a form for this communication that informs Complainants that the outcome of the IPA audit is advisory and cannot directly change the outcome of the Internal Affairs investigation or the Chief of Police's decision.
- (c) Nothing in this section shall prevent the CPOB from communicating with the Complainant during the pendency of the Internal Affairs investigation. This communication shall be for the purpose of providing status updates and would not include any factual or substantive discussion of the investigation.

ARTICLE VII – VOLUNTARY MEDIATION PROGRAM

The CPOB, with the input of the IPA, shall develop a proposal for a voluntary alternative dispute resolution process for resolving those Complaints which involve conduct

which may most appropriately be corrected or modified through less formal means. The CPOB shall present the proposal to the Chief of Police and City Council.

ARTICLE VIII – PROCEDURES FOR PROVIDING RECOMMENDATIONS AS TO COMPLAINTS OR SERIOUS INCIDENTS

Section 1. IPA Audit Report and Its Contents

- (a) Upon completion of an audit of an investigation, the IPA shall prepare a report of its audit, which will be sent to the CPOB pursuant to the remaining Sections in this Article. In so doing, the IPA shall comply with all state laws requiring the confidentiality of police department records and information as well as the privacy rights of all individuals involved in the process. To that end, the IPA shall ensure that an audit report contains no confidential identifying information about any officers. The IPA's findings shall be advisory and shall not directly change the outcome of the LMPD investigation or the Chief of Police's decision. No report to the CPOB shall contain the name of any individual police officer, unless permitted by law.
- (b) The audit report shall:
 - 1. Indicate and explain whether or not the Complaint disposition was supported by the evidence;
 - 2. Recommend that the LMPD reopen the investigation if it finds either:
 - i. The investigation was materially incomplete or inadequate and the IPA has reason to believe that further investigation is likely to reveal facts that could change the disposition; or
 - ii. The disposition reached by the LMPD is not supported by substantial evidence;
 - 3. State any recommendations regarding the handling of the Complaint and the investigation process; and
 - 4. Identify any other relevant policy, procedural or training issues for further consideration, and offer recommendations as appropriate.
- (c) Presentation of the audit report.
 - 1. The IPA shall meet with the CPOB at least once per quarter and present any completed audit reports from the previous quarter.
 - 2. In connection with the presentation of any completed audit reports, the IPA will present to the CPOB his or her formal conclusion regarding further investigation and processes.

The CPOB will have an opportunity to review and comment on the IPA's formal conclusion and any applicable recommendations.

Section 2. Confidentiality Review

The IPA shall provide final audit reports to the CPOB's General Counsel, who shall review the audit reports to ensure that they do not contain any confidential identifying information. If the CPOB's General Counsel determines that an audit report is not appropriate for public disclosure, the General Counsel shall revise the audit report so that it may properly be publicly disclosed. Any revisions must not alter any findings or recommendations of the audit report. Once the CPOB's General Counsel has reviewed or edited an audit report such that it may be publicly disclosed, the General Counsel shall electronically send the publicly disclosable report to the entire CPOB.

Section 3. Delivery of Recommendations

If the CPOB votes to ratify the IPA recommendation with or without additional comment, the IPA shall deliver his or her recommendation to the Chief of Police in writing, in the form of a quarterly report with any additional comment from the CPOB, with copies to the City Manager and City Council.

Section 4. Recording of Recommendations.

- (a) The IPA shall retain a record of any recommendation delivered to the Chief of Police.
- (b) The IPA shall record in the IPA quarterly report his or her recommendation, as well as any further comment by the CPOB where applicable, and the date of its delivery to the Chief of Police.
- (c) The IPA and CPOB shall receive, within thirty days of delivery of any recommendations of any kind, a response in writing from the Chief of Police. The Chief of Police may request from the City Manager a single 30-day extension to respond to any recommendation upon a showing of good cause.
- (d) Upon receipt of a response to the recommendation from the Chief of Police, the IPA shall note the response in the IPA quarterly report and retain a record of the response.
- (e) The IPA shall also track the number and type of recommendations delivered to the Police Chief, and the number and type of recommendations implemented, and report this information to the CPOB. The IPA shall track the number of cases in which its recommendations are rejected and report this information to the CPOB.

Section 5. Appropriate Scope of Recommendations

Recommendations to the Chief of Police shall focus on process rather than outcomes, such as whether the LMPD investigation was fair and thorough, whether findings were reasonable and evidence-based, and whether the disposition was supported by substantial evidence. Recommendations can also reflect the IPA's considerations for best practices to help mitigate future instances in similar situations which could lead to misunderstandings or loss of community confidence.

Section 6. Public Disclosure and Discussion of Audit Reports

The CPOB may post publicly disclosable reports on its public webpage located on the City's website, and the CPOB may discuss in open session the publicly disclosed report so long as the CPOB does not reveal any confidential information identifying any officer or any other confidential information beyond the information that appears in the public report.

ARTICLE IX – PROCESS FOR PROVIDING RECOMMENDATIONS AS TO LMPD'S POLICIES AND PROCEDURES.

Section 1. Annual CPOB Reports

City of La Mesa Municipal Code section 2.30.100, subdivisions (g) and (h), and section 2.30.110 require the CPOB to draft and issue several public reports annually ("CPOB Annual Reports").

- (a) The CPOB shall issue an Annual Report on each of the following:
1. LMPD policies, procedures, practices, and training as to regular operations;
 2. LMPD policies, procedures, and practices as to hiring and promotions;
 3. LMPD policies, procedures, practices, and training as to internal LMPD investigations of misconduct;
 4. Initial and in-service LMPD trainings in de-escalation techniques, human relations instruction, and implicit bias training;
 5. LMPD policies, procedures, practices, and training as to community-oriented policing; and
 6. A report that studies, develops, and recommends alternative crime-prevention policies and strategies and assesses and makes recommendations regarding the role in public safety of social services, including, but not limited to, those related to mental health, alcohol and substance abuse, homelessness, juvenile justice, and education.

- (b) An annual report may be in the form of an update from a previous year's report.
- (c) In consultation with the IPA, the CPOB may issue additional public reports on any and all other areas of policing or La Mesa Police Department policies, procedures, practices, and training that the CPOB finds appropriate for review.
- (d) The Chairperson shall establish a special ad hoc subcommittee for each CPOB Annual Report comprised of less than a majority of CPOB members. Each special subcommittee shall be responsible for researching, drafting and presenting to the CPOB its assigned CPOB Annual Report.
- (e) Each special subcommittee shall present a draft CPOB Annual Report to the CPOB at a regular public meeting. The CPOB shall vote either to send the report back to the special subcommittee with specific recommended changes, or to approve the Report as final.
- (f) Final, approved CPOB Annual Reports shall be sent to the Chief of Police, the City Manager, and the City Council, and shall be publicly posted on the CPOB's webpage.
- (g) CPOB Annual Reports shall pertain to a calendar year, and must be made public and final no later than the end of February of the following calendar year. This deadline may be extended by no more than 60 days by a majority of CPOB voting members.

Section 2. Semi-Annual CPOB Reports

City of La Mesa Municipal Code section 2.30.110(b) requires the CPOB to, in conjunction with the Independent Police Auditor, issue a semi-annual public report ("CPOB Semi-Annual Report").

- (a) The required CPOB Semi-Annual Report shall present the number and types of Complaints reviewed and the CPOB's responses, investigative findings, analysis of police data, police progress on CPOB recommendations and other updates relevant to the mission of the CPOB.
- (b) The Chairperson shall establish a special ad hoc subcommittee to compile and draft these Semi-Annual Reports.
- (c) This special subcommittee shall present a draft Semi-Annual Report to the CPOB at a regular public meeting. The CPOB shall vote either to send the report back to the special subcommittee with specific recommended changes, or to approve the Report as final.
- (d) Final, approved CPOB Semi-Annual Reports shall be sent to the Chief of Police, the City Manager, the Independent Police Auditor, and the City Council, and shall be publicly posted on the CPOB's webpage.

- (e) CPOB Semi-Annual Reports shall pertain to January-June and July-December, respectively, of each calendar year, and must be made public and final no later than 30 days after the conclusion of the relevant six-month period, with the CPOB's first Semi-Annual Report due in January 2022. These deadlines may be extended by no more than 60 days by a majority of CPOB voting members.

Section 3. Confidentiality of CPOB Reports

In order to comply with all state laws requiring the confidentiality of police department records and information as well as the privacy rights of all individuals involved in the process, all CPOB Reports shall omit any confidential information that would identify any officer(s) who are the subject of any Complaint.